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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/626,380	07/24/2003	Ali Banan	88530	9783	
24628	7590 06/29/2006		EXAMINER		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA			COOK, LISA V		
22ND FLOOI		ART UNIT	PAPER NUMBER		
CHICAGO, I	O, IL 60606		1641		
		DATE MAILED: 06/29/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
		10/626,380	BANAN ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Lisa V. Cook	1641	
Period fo	The MAILING DATE of this communication ap	pears on the cover sheet with the c	orrespondence address	
A SH WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D nsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Depend for reply is specified above, the maximum statutory period tre to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailin ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
•	Responsive to communication(s) filed on <u>24 J</u> .  This action is <b>FINAL</b> . 2b) This Since this application is in condition for alloware closed in accordance with the practice under the practice.	s action is non-final.  nce except for formal matters, pro		
Dispositi	ion of Claims	•		
5) 6) 7)	Claim(s) <u>1-32</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-32</u> are subject to restriction and/or	wn from consideration.		
Applicati	on Papers			
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example 2.	epted or b) objected to by the liderawing(s) be held in abeyance. See tion is required if the drawing(s) is obj	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).	. •-
Priority ι	ınder 35 U.S.C. § 119			
12) <u>□</u> a)[	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureausee the attached detailed Office action for a list	is have been received. is have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachmen	t(s) e of References Cited (PTO-892)	4)  Interview Summary	(PTO.413)	
2)	e of References Cited (PTO-092) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da		

Art Unit: 1641

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, are drawn to methods of assay oxidative stress employing an anti DNPH antibody, classified in class 435, subclass 41.
  - II. Claims 17-32, are drawn to methods of assaying oxidative stress employing an anti-nitrotyrosine antibody, classified in class 435, subclass 7.1.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions utilize different reagents (diverse modes of operation). Group I utilizes an anti-DNPH antibody while Group II utilizes an anti-nitrotyrosine antibody. Accordingly they require separate search and consideration of the prior art.

3. Please note that the classifications in the restriction are illustrative only and **do not** represent all the classes and subclasses which must be searched for each invention; nor is the search limited to issued US patents, but rather includes foreign patents and applications as well as literature searches.

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Because these inventions are distinct for the reasons given above and the search required for all the groups is not totally inclusive, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

- 4. A telephone call was made to Gerald T. Shekleton on 16 June 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 5. Applicant is advised that the reply to this requirement be complete and must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicant is reminded that upon cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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7. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1641 – Central Fax number is (571) 273-8300, which is able to receive transmissions 24 hours/day, 7 days/week. In the event Applicant would like to fax an unofficial communication, the Examiner should be contacted for the appropriate Right Fax number.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa V. Cook whose telephone number is (571) 272-0816. The examiner can normally be reached on Monday - Friday from 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le, can be reached on (571) 272-0823.

Any inquiry of a general nature or relating to the status of this application should be directed to Group TC 1600 whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa V. Cook

Art Unit 1641

Remsen 3C-59

(571) 272-0816

June 22, 2006

LONG V. LE
SUPERVISORY PATENT EXAMINER

TECHNO! OGY CENTER 1600 07/23/96